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# TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

February 28, 2011

TO: Internal File

THRU: Daron Haddock, Permit Supervisor *DRH*

FROM: Ingrid Campbell, Environmental Scientist II *IC*

RE: Penta Creek Lease Extention, West Ridge Resources, West Ridge Mine, Permit # C/007/0041 and Task #3733

## SUMMARY:

On February 1, 2011 the Division received an application to include the longwall panels 18 through 20, north of Grassy Trail Reservoir in the permit area. This permit change involves increasing the permit area by 555.33 acres, an 8% increase. The BLM approved the R2P2 for mining in this longwall area on federal lease 78562. The BLM approved mining this area after finding that it would have no adverse effect on the Grassy Trail dam structure or reservoir. Longwall mining of panels 18-20 would occur greater than 3000 feet away from the Grassy Trail dam and 2200 feet lower than the reservoir. Mining in this extension area will include panel-barrier design in order to reduce the intensity of mining-induced seismicity and subsidence.

The Division approved mining of longwall panel # 7 in 2005. This panel was closer to the reservoir and involved side-by-side panel design. The Division required several studies to monitor the impact of mining to the Grassy Trail dam and reservoir during and after mining. Mining of longwall panel # 7 was complete in 2006 and no adverse effects were detected.

This application is recommended for approval with one condition. Prior to undermining, the permittee must acquire and submit an addendum to SPUT -606 from the archeology consultant that clarifies the existence and location of cultural resource site 42CB-317. At which time, based on the nature and location of the site above the mine panels, the Division will make a determination if further inventory is and a protection plan is necessary.

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**TECHNICAL ANALYSIS:**

**GENERAL CONTENTS**

**IDENTIFICATION OF INTERESTS**

Regulatory Reference: 30 CFR 773.22; 30 CFR 778.13; R645-301-112

**Analysis:**

A revised Chapter 1 was submitted with the application. The revised chapter contains and Identification of Interests section on page 1-1. This section includes (as required by R645-301-112):

- A statement that West Ridge Resources (WRR) is a corporation
- The name, address, telephone number, and EIN of the Applicant and resident agent
- A statement that WRR will pay the abandoned mine land fee
- Each person who 'owns or controls' WRR

**Findings:**

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

**RIGHT OF ENTRY**

Regulatory Reference: 30 CFR 778.15; R645-301-114

**Analysis:**

Right of Entry information is located on page 1-5 and appendix 1-4 of chapter 1. The Penta Creek Fee Lease information is located on page 1-13 in table 1-4 of Chapter 1. The lease extension includes 212.5 acres from state lease ML 51744, 238.17 acres from the Penta Creek Fee lease and 272.38 acres in the Penta Creek Lease Extension. These three lease assignments are located in Appendices 1-4E, 1-4 F and 1-4 G respectively. None of the lease assignments are subject to litigation. The total permit boundary would be increased to 7316.62 acres upon Division approval of this amendment.

**Findings:**

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The information provided is considered adequate to meet the minimum regulatory requirements for this section.

### LEGAL DESCRIPTION AND STATUS OF UNSUITABILITY CLAIMS

Regulatory Reference: 30 CFR 778.16; 30 CFR 779.12(a); 30 CFR 779.24(a)(b)(c); R645-300-121.120; R645-301-112.800; R645-300-141; R645-301-115.

#### Analysis:

The permit area and proposed extension is not within an area designated as unsuitable for mining as stated on page 1-19 of the approved M&RP. West Ridge has also committed to not conduct mining operations within 100 feet of an occupied dwelling.

#### Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

### PERMIT TERM

Regulatory References: 30 CFR 778.17; R645-301-116.

#### Analysis:

The permit term consists of five years. The permit was last renewed on April 1, 2009 and will expire on April 1, 2014 (see 2009/incoming/0018.pdf).

#### Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

### PUBLIC NOTICE AND COMMENT

Regulatory References: 30 CFR 778.21; 30 CFR 773.13; R645-300-120; R645-301-117.200.

#### Analysis:

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No public comment or proof of publication is required for this amendment. This amendment is not a new application for a permit, significant revision or renewal. An amendment must be classified as a significant revision if the permit change involves increasing the disturbed area by 15 percent, engaging in operations outside of the CHIA, engaging in operations in hydrologic basis other than those authorized in the approved permit, or continuing operations after cancellation of the liability insurance policy. This permit amendment does not involve any of the items listed under R645-303-220 for significant revision criteria.

### Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

## ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

## HISTORIC AND ARCHEOLOGICAL RESOURCE INFORMATION

Regulatory Reference: 30 CFR 783.12; R645-301-411.

### Analysis:

The application contains Archeology map 4-2 and a narrative in cultural resource report SPUT-606 that describes known archeological sites within the permit and adjacent areas. There are no public parks, cemeteries, units of the National system of trails or the wild and scenic river system in the permit or adjacent area.

A class I cultural resource survey (SPUT-606) was conducted by John Senulis of Senco-Phenix Archeological Consultants on January 31, 2011. The file search was conducted at the Utah Division of State History website and at the Price River Field Office Bureau of Land Management. Most of the sites identified in the file search were not significant and were not located within the proposed lease expansion area. However, site 42CB-317 located within the SW/SW/SW of Section 6 was considered eligible pending re-examination by Senco-Phenix. The site consists of a series of nine historic house structures with associated outhouses, corrals and fences on the west side of Whitmore Creek. No eligibility recommendation was previously made. In a phone conversation with archeologist John Senulis on February 28, 2011, Mr. Senulis indicated that site 42CB-317 was first identified in the 1980's and may contain faulty information. Mr. Senulis has not been able to locate the site in the past and will be doing a more

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thorough search this spring. Mr. Senulis committed to providing the Division with an addendum to SPUT-606 with clarifying information on site 42CB-317. Additionally, Dave Shaver indicated that the site, if existing, would be located over a barrier panel and would not be impacted by undermining. The location and existence of this site will be verified this spring which will be prior to any undermining in the area.

### **Findings:**

The information provided is considered adequate to meet the minimum regulatory requirements for this section. However, prior to undermining, the permittee acquire and submit an addendum to SPUT -606 from the archeology consultant that clarifies the existence and location of cultural resource site 42CB-317.

## **VEGETATION RESOURCE INFORMATION**

Regulatory Reference: 30 CFR 783.19; R645-301-320.

### **Analysis:**

The Penta Creek Fee lease permit expansion is not expected to include any surface impacts to vegetation. Subsidence impacts should be minimal due to the type of mining and amount of overburden. No mining under perennial streams is proposed, so impacts to riparian vegetation will not occur. Map 3-1 has been updated for this application to include the general vegetation communities located within the permit expansion area. The general vegetation communities within the expansion area include mountain brush/sagebrush, aspen, sagebrush/grass/herbland, and douglas fir.

### **Findings:**

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

## **FISH AND WILDLIFE RESOURCE INFORMATION**

Regulatory Reference: 30 CFR 784.21; R645-301-322.

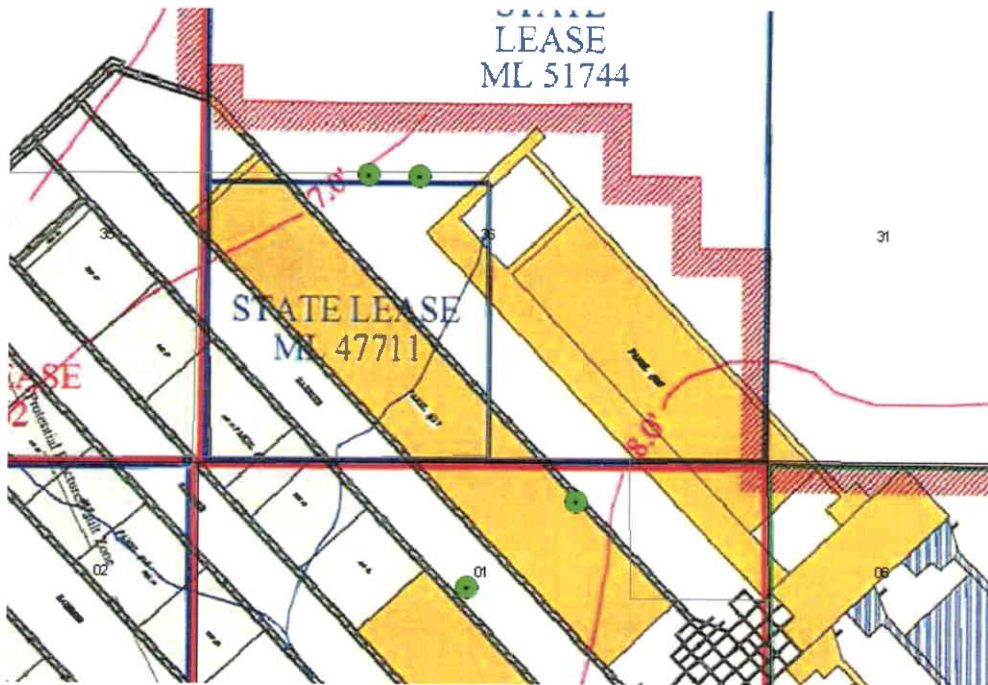
### **Analysis:**

The penta creek permit expansion is not expected to include any surface disturbances. Maps 3-4B, C, and D were updated to include general Deer, Elk and Antelope habitat, respectively, in the permit expansion area. The permittee is not required to submit site specific

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resource information on the expansion area because it does not include listed or proposed endangered or threatened species or habitat of unusually high value that will be affected by mining.

A raptor survey is included in this submittal in the confidential section. The survey was conducted in May of 2010 and included the lease expansion area. No surface impacts are expected from undermining the lease expansion area due to the depth and type of mining. However, no nest were identified in the lease expansion area. Two nests were identified in the State Lease ML 47711 which contains one panel and barrier system that will be mined in 2011. The map labels the two nests as 1935, and 1934. Nest 1934 was not listed on the associated information table. The Division receives the inventory information every year from consultants, so the information was researched in house and not with the provided information. Nest 1934 and 1935 were both inactive in 2010. Two nests were also located in section 1, part of which will be undermined in 2011. The image below was produced by the Division and shows the nests (green dots) in relation to the mining panels (yellow sections). No nests are located directly above the panels.



### Findings:

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

## **LAND-USE RESOURCE INFORMATION**

Regulatory Reference: 30 CFR 783.22; R645-301-411.

### **Analysis:**

The proposed expansion is not expected to include any surface disturbances. Map 4-1 was updated to include the land uses located on the expansion area. These uses will not be impacted by mining.

### **Findings:**

The information provided is considered adequate to meet the minimum regulatory requirements for this section.

## **OPERATION PLAN**

### **PROTECTION OF PUBLIC PARKS AND HISTORIC PLACES**

Regulatory Reference: 30 CFR 784.17; R645-301-411.

### **Analysis:**

In cultural resource report SPUT-606, site 42CB-317 located within the SW/SW/SW of Section 6 was considered eligible pending re-examination by Senco-Phenix. The site consists of a series of nine historic house structures with associated outhouses, corrals and fences on the west side of Whitmore Creek. No eligibility recommendation was previously made. As explained in the historic and cultural resource information section above, John senulis and Dave Shaver have committed to further evaluating this site to determine if it exists and its location. If eligible, and located in an impact area, the application must include a description of the measures to be used to prevent adverse impacts from undermining.

### **Findings:**

The information provided is considered adequate to meet the minimum regulatory requirements for this section. Prior to undermining, the permittee submit information clarifying site 42CB-317 to the Division. At which time, the Division will make a determination if further inventory is and a protection plan is necessary.

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**RECOMMENDATIONS:**

This application is recommended for approval.

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